

# 8

DEPARTMENT OF PLANNING  
STAFF REPORT

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**BOARD OF SUPERVISORS PUBLIC HEARING**

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**DATE OF HEARING: January 12, 2008**

**SPEX 2007-0048, Springdale Montessori School**

**DECISION DEADLINE: February 17, 2009**

**ELECTION DISTRICT: Blue Ridge      PROJECT PLANNER: Michael Elabarger**

**EXECUTIVE SUMMARY**

Benny and Mary Jane Nordahl of Purcellville, VA, have submitted an application for a special exception to permit a private school and child care center in the AR-1 (Agricultural Rural-1) zoning district. The property is located partially within the FOD (Floodplain Overlay District), and is also located in the HCC (Goose Creek Historic and Cultural Conservation District). The applicant proposes to establish a Montessori school serving up to 117 students utilizing the property's existing structures for classrooms. This application is subject to the Revised 1993 Zoning Ordinance and the proposed uses are listed as Special Exception uses in Table 2-102 under Section 2-102. The property is approximately 5.9 acres in size and is located on the east side of Lincoln Road (Route 722), 0.1 mile south of Chappelle Hill Road (Route 709), at 18348 Lincoln Road, Purcellville, VA in the Blue Ridge Election District. The property is governed by the policies of the Revised General Plan (Rural Policy Area), which designate this area for rural economy uses and limited residential development, and a small portion of the property also lies within the Existing Village of Lincoln.

The applicant's desire to establish a Montessori School as described meets the definition of two defined uses of the Zoning Ordinance – school and child care center. Kindergarten aged children fall under both of these definitions. The applicant seeks to designate up to sixty (60) children in kindergarten and below to the child care center portion of the proposed facility; up to fifty-seven (57) children, in the first through third grades, would be enrolled in the use portion of the facility defined as a school.

**RECOMMENDATIONS**

Planning Commission Recommendation

At its November 24, 2008 Committee of the Whole meeting, the Planning Commission voted 5-4 (Commissioners Keeney, Brodrick, Robinson, Chaloux opposed) to forward the application to the Board of Supervisors with a recommendation of approval, based on the Findings included in this staff report and the Conditions of Approval amended at that meeting and now dated December 18, 2008.

**Staff Recommendation**

Staff recommends further discussion of the Planning Commission conditions which the applicant and staff are not in agreement with. Staff would amend the conditions as follows: Condition (2.), 117 maximum children enrolled; delete Condition (17.), as the traffic study does not indicate that such stacking situations would occur, and it lacks practical monitoring, enforceability, and definitive solutions; delete Condition (18.), thus allowing use of the barn for classrooms and/or offices.

**SUGGESTED MOTIONS**

1. I move that the Board of Supervisors forward SPEX 2007-0048, Springdale Montessori School, to the Transportation and Land Use Committee for further discussion.

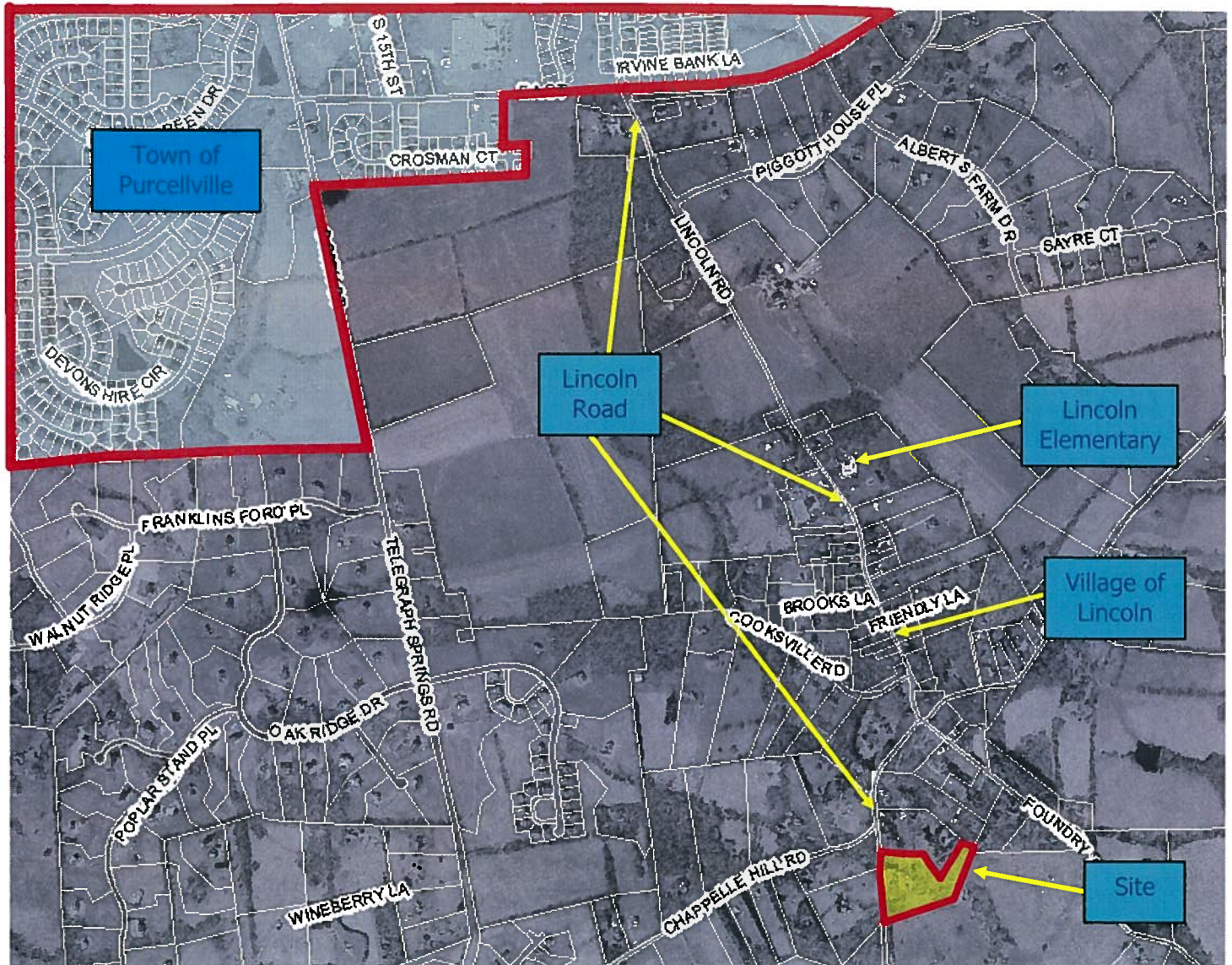
Or,

2. I move that the Board of Supervisors forward SPEX 2007-0048, Springdale Montessori School, to the February 3<sup>rd</sup>, 2009 Business Meeting for action.

Or,

3. I move an alternate motion.

## VICINITY MAP



### Directions:

From Leesburg, take Harry Byrd Highway (Route 7) west to the Exit with Route 287. Proceed south on Berlin Turnpike (Route 287), then west on Business Route 7 (East Main Street). Turn left onto Maple Avenue (Route 722), which becomes Lincoln Road. Pass through the Village of Lincoln, and the property is approximately a quarter of a mile (0.25) on the east (left) side of Lincoln Road after crossing the second one-lane bridge.

## TABLE OF CONTENTS

<b>I.</b>	<b>Application Information .....</b>	<b>5</b>
<b>II.</b>	<b>Summary of Discussion .....</b>	<b>6</b>
<b>III.</b>	<b>Planning Commission Review and Recommendation .....</b>	<b>6</b>
<b>IV.</b>	<b>Planning Commission Findings for Approval (11/24/08) .....</b>	<b>8</b>
<b>V.</b>	<b>Planning Commission Conditions Of Approval (Revised 12/18/08).....</b>	<b>9</b>
<b>VI.</b>	<b>Project Review .....</b>	<b>12</b>
	<b>A. Context .....</b>	<b>12</b>
	<b>B. Summary of Outstanding Issues.....</b>	<b>12</b>
	<b>C. Overall Analysis.....</b>	<b>13</b>
	<b>D. Zoning Ordinance Criteria for Approval .....</b>	<b>28</b>
<b>VII.</b>	<b>Attachments.....</b>	<b>32</b>

## I. APPLICATION INFORMATION

**APPLICANT/OWNER:** Benny and Mary Jane Nordahl  
18348 Lincoln Road  
Purcellville, VA 20132  
703-338-0275

**REPRESENTATIVE:** Sevila, Saunders, Huddleston & White  
Robert E. Sevila, Esquire  
P.O. Box 678  
Leesburg, Virginia 20178  
703-777-5700

**PROPOSAL:** A Special Exception pursuant to Section 2-100 to allow a private school and child care center in the AR-1 Zoning District.

The application was accepted for processing on December 11, 2007.

**LOCATION:** 18348 Lincoln Road, Purcellville, VA

**TAX MAP/PARCEL:** Tax Map#—/45//10/////2/ PIN# – 455-17-3739-000

**ZONING:** AR-1

**RESIDENTIAL UNITS:** N/A

**NON-RES. FLOOR AREA:** 8,341 existing square feet

**SURROUNDING LAND USES/ZONING:**

<b>NORTH</b>	AR-1	Residential
<b>SOUTH</b>	AR-1	Vacant/Residential/Agriculture
<b>EAST</b>	AR-1	Residential
<b>WEST</b>	AR-1	Residential

**ELECTION DISTRICT:** Blue Ridge

## II. Summary of Discussion

Topic/ Issue Area	Issues Examined and Status
Land Use	Clarify the number of students and bedrooms proposed – RESOLVED.
	Provide information on hours of operation – RESOLVED.
Zoning	Remove 3-bay parking area within minor floodplain – RESOLVED.
	Clarify proposed uses – RESOLVED.
	Do not place playground equipment within the minor floodplain – RESOLVED.
Environmental	Delineate all stream corridor resources, including the 50-foot management buffer adjacent to the floodplain, on the plat – RESOLVED.
	Provide more detail regarding potential tree clearing proposed for the playground area, driveway, and parking – RESOLVED.
	Provide a wetland delineation of site – RESOLVED.
Transportation	Identify entrance improvements and turn lanes if required by VDOT - RESOLVED.
	Indicate whether buses will be utilized – RESOLVED.
	Provide link level of service (link LOS) and total average daily trips (ADT) for Lincoln Road (Route 722) – RESOLVED.
	Revise traffic study counts/volumes and build-out forecast – RESOLVED.
Historic Preservation	Any exterior alterations must be reviewed by the Historic District Review Committee – RESOLVED.
Site Design	Consider incorporating green building elements into renovations – RESOLVED.
	Consider relocating existing propane tanks out of the minor floodplain – RESOLVED.
	Consolidate proposed parking spaces outside minor floodplain – RESOLVED.

## III. PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Planning Commission held a public hearing on this application on September 18, 2008, where three (3) persons who spoke in favor, or with no opinion, of the application. Fifty-one (51) speakers spoke against the application, citing:

- current/existing safety issues regarding Route 722/Lincoln Road and the one-lane bridges near the subject site;
- potential negative impacts on the Village of Lincoln and surrounding properties from vehicular trips generated by proposed use;
- the perceived lack of need for the proposed uses;
- the observed vehicular operations within the property;
- the possible precedent that approval of the uses would set;
- and the density of persons on the property per the proposed uses.

The Planning Commission voted 7-0-2 (Commissioners Brodrick and Klancher absent) to forward the application to a work session meeting on October 23, 2008 for further discussion.



At the October 23, 2008 work session, the following was reviewed and/or discussed by the Commission:

- traffic impacts on Lincoln Road/village of Lincoln;
- staff review of the application against the Revised General Plan;
- some specific zoning related matters;
- the applicants' transportation consultant did a brief presentation describing the methodology and general findings of the traffic study, and showed video footage of traffic occurring near the subject site and in the village of Lincoln; and
- on-site circulation of vehicles.

The Commission asked the applicant to come back to the next work session with a revised circulation plan that was safe and efficient and would meet requirements of the County Building and Development and Fire and Rescue Departments. The Planning Commission continued the discussion to November 19, 2008.

At the November 19, 2008 work session, the following was reviewed and/or discussed by the Commission:

- the applicant presented a video of the Leesburg Montessori school (Fort Evans Road) taken during the November 7, 2008 morning drop-off period;
- the applicant distributed a Landscape Plan illustrative (see Sheet 6, Landscape Plan Exhibit, of the Special Exception Plat set) that identified the areas where plantings and buffering are planned;
- the applicant distributed a 'circulation exhibit', dated November 6, 2008, (since incorporated into the Special Exception Plat; see Sheet 3) which showed a circular turn-around after the designated drop-off/pick-up area (near the steps for the main building) between the main building and the gravel parking area, and primarily in the currently delineated minor flood-plain;
- the applicant distributed a Parking Calculation document, dated November 13, 2008 (see Attachment 5.), which more clearly defined the breakdown of required and provided parking based on the 60/57 enrollment split;
- internal vehicle circulation on the property;
- use and safety of the barn;
- development in the minor floodplain;
- water quality/monitoring of the existing septic system; and
- stormwater management implications of the application.

The Special Exception conditions were revised as a result of this discussion. The Planning Commission agreed that a recommendation or show of support should be sent to the Board of Supervisors to seek the lowering of the speed limit along Lincoln Road in the vicinity of the subject property to 25 miles per hour. The Planning Commission continued the discussion to November 24, 2008.

At the November 24, 2008 work session, the following was reviewed and/or discussed by the Commission:

- the rural economy policies of the Plan and their implementation through the Zoning Ordinance;
- intrusions into the floodplain by the vehicle turn-around was evidence that the 117 maximum students was beyond the capacity of the property;
- the use could create traffic that might negatively impact the village of Lincoln;
- comparison of the proposed square footage per student to that of public schools; and
- the overwhelming opposition by citizens to the application.

Following this discussion, a motion to deny the application failed by a vote of 4-5 (Commissioners Maio, Tolle, Syska, Klancher, Austin opposed). The Commission then agreed to modify the application through the following conditions to mitigate the impacts on the property and surrounding area:

- Allow a maximum total student enrollment of sixty (60) children in both the school and child care center uses, with no differentiation or enrollment limits between the two uses (see Condition (2.));
- Limit the operation and development of the use as further outlined in the specific conditions (Conditions 1., 3.-18.).

The Commission voted 5-4 (Commissioners Keeney, Brodrick, Robinson, Chaloux opposed) to forward the application to the Board of Supervisors with a recommendation of approval, based on the Findings below and subject to the Conditions of Approval dated November 24, 2008 and as amended at the work session (now dated December 18, 2008; see Section V. of this staff report).

The Commission noted that they strongly encourage the applicant to remove the vehicular turn-around circulation from being partially or wholly in the minor floodplain area outside the gravel parking area (as delineated on the Plat) and place it within the existing confines of the gravel parking area. The Planning Commission also agreed that a request be sent to the Board of Supervisors to look at the Rural Policies as they apply to private schools and child care centers, and consider creating more, or more restrictive, performance standards to govern them.

#### **IV. PLANNING COMMISSION FINDINGS FOR APPROVAL (11/24/08)**

1. The proposed Special Exception uses – school and child care center - are consistent with the planned land use policies of the Revised General Plan.
2. The proposed Special Exception uses – school and child care center - subject to conditions of approval, comply with the applicable requirements of the Revised 1993 Zoning Ordinance.
3. The proposed Special Exception uses – school and child care center - will have a positive impact on the County's economy and provide a private educational option for County residents.



4. The proposed Special Exception uses – school and child care center - subject to conditions of approval will retain the historic character of the property, the village of Lincoln, and Lincoln Road.
5. The proposed Special Exception uses – school and child care center – will adaptively re-use an historic structure and property that has historically been a school.
6. The proposed Special Exception uses – school and child care center – subject to conditions of approval will provide sufficient improvements to address traffic impacts.

## **V. PLANNING COMMISSION CONDITIONS OF APPROVAL (12/18/08)**

The following Conditions of Approval were presented to the Commission and discussed at the Planning Commission work session meeting on November 24, 2008, and subsequently amended by staff and the County Attorney as shown.

1. Substantial Conformance – The proposed Montessori school, consisting of the Special Exception uses of a child care center and school, shall be developed in substantial conformance with the Special Exception Plat set, Sheets 1 and 3-6, dated July 2, 2007 and revised through December 19, 2008 (“the Plat”); and the Revised Loudoun County Zoning Ordinance (“Zoning Ordinance”). Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. Maximum Number of Children Enrolled – There shall be no more than 60 children enrolled at any one time during each programmed year of instruction as set forth in Condition (3.). For purposes of this condition, ‘enrolled’ shall mean officially registered and attending. For the purpose of calculating the Number of Children Enrolled, any child enrolled and attending for any portion of any day shall be counted as a child enrolled.
3. Time of Year and Hours of Operation – The uses shall only operate between the hours of 7:30 AM and 5:30 PM, Monday through Friday for a period of not more than 46 consecutive weeks each year, between the period of the first full week of September and the last full week in July. Such 46 week period may include a summer program, operating within these Conditions of Approval, that follows the programmed school year. No enrolled child shall be on the property after 6:00 PM for activities related to the regular curriculum.
4. Parking Area – The existing gravel parking area, as delineated on and constructed pursuant to the Special Exception plat approved in conjunction with SPEX 1986-0009/SPEX 1986-0049 and now reflected on the Plat as noted in Condition (1.) of this application, may remain as a pervious gravel parking area, with no expansion from the existing boundaries as shown on the Plat, notwithstanding other improvements that shall be required by the Zoning Ordinance, Facilities Standards Manual, Codified Ordinance, these Conditions, or any other requirement.
5. On-Site Parking – For any activity related to uses, the maximum number of parked vehicles on the property shall not exceed the number of parking spaces shown on an

approved site plan for these uses. In no instance shall vehicles associated with the uses be parked on any grassed area or area not specified for the parking of vehicles.

6. Playground Child Occupancy – The number of children occupying the proposed playground area in the rear of the existing two-story stone and frame dwelling, as shown on the Plat, at any one time shall not exceed fifteen (15) during the operation of the uses as designated in Condition (3.).
7. Playground Equipment – The applicant shall not place any playground equipment or fill within the minor floodplain, as identified on the Plat.
8. Tree Removal – The applicant shall consult with the County Urban Forester at the time of site plan to determine appropriate clearing distances if any trees are deemed necessary to be removed.
9. Use Related Activities – Any activity associated with the uses occurring on the property, but outside the operation as designated in Condition (3.), shall adhere to the following:
  - a. These activities shall occur only Monday through Friday, concluding no later than 7:00 p.m. during the operational year as described in Condition (3.).
  - b. All activities shall take place only within the main building.
  - c. Parking of vehicles shall be in conformance with Condition (5.).

This condition in no way limits the property owners from having activities on the property, during any time of the year when operations of the uses per Condition (3.) are not occurring, that are not associated with the uses. This condition also does not preclude the applicant from receiving a temporary zoning permit for a special event, subject to Section 5-500(C) of the Zoning Ordinance, for a special event related or not to the uses.

10. Use of Yard – No activities related to and conducted during the operation of the uses per Condition (3.) shall be conducted within the eastern portion of the property northeast of the easternmost tributary stream crossing of the property.
11. Americans with Disabilities Act (ADA) Compliance – The applicant shall demonstrate compliance with ADA requirements at the time of site plan review.
12. Lighting – All exterior building and parking area lighting shall include shielded lighting fixtures so that light shall be directed inward and downward toward the interior of the property away from public roads and surrounding properties.
13. Stormwater Management – Water quantity and quality treatment shall be performed in accordance with the Facilities Standards Manual concurrent with the first construction plan or site plan submitted.
14. Water Quality Testing – Prior to site plan approval, the applicant shall install monitoring wells surrounding the septic system drainfield on the property and provide a baseline

water quality reading, including tests for nitrate levels, that meets or exceeds all County and State regulations. For a period of one (1) year after achieving maximum enrollment as noted in Condition (2.), the applicant shall submit quarterly water quality test reports, including tests for nitrate levels, to the Loudoun County Department of Building and Development. The inability to meet minimum water quality levels, including that for nitrates, at any point described shall constitute a violation of this Condition, and corrective measures and regulation of the uses shall be enforced by the County and/or State. The County shall have the authority, with adequate notice to the property owner, to enter the property at any time to test the water in the monitoring wells.

15. Meals Preparation – There shall be no daily, or regular, meal preparation on the property for children or employees in any capacity related to the operation of the uses as described in Condition (3.). Food preparation, as it relates to the curriculum of the uses, is permitted.
16. Guard Rail Right-of-Way – At the time of site plan approval, the applicant shall reserve and dedicate sufficient right-of-way on the eastern side of Route 722, Lincoln Road, along the length of the property, for the potential future installation of guard railing by VDOT.
17. Lincoln Road Stacking – Stacking of south-bound vehicles on Lincoln Road seeking to left turn into the property to the extent that it interferes with passage to and across the one-lane bridge for north-bound traffic is intended to be avoided. If stacking of three (3) or more vehicles interfering with the crossing of the bridge by a north-bound vehicle that is unable to pass the stacked vehicles and cross the bridge is observed by, or reasonably documented to, County staff occurring during the a.m. (8:00 to 9:00) or p.m. (4:15 to 5:15) peak periods on two (2) or more days in each school week over a period of three (3) consecutive weeks, corrective measures and additional limitations of the uses may be required by the County and/or State. Such corrective measures may include requiring the Applicant to submit a traffic impact study to determine at what lesser student enrollment such stacking could be reasonably expected not to occur.
18. Use of Barn – The existing barn shall not be renovated or converted for use as a primary, or regular, classroom or office for students or employees.

Note: The Applicant has agreed to provide a one time fire and rescue contribution to the County in the amount of \$0.10 per square foot of non-residential floor area construction for equal distribution between the primary fire and rescue servicing companies. This contribution shall be made at the time of issuance of the applicable zoning permits. This contribution shall escalate annually from the base year of 1988 and change effective each January 1<sup>st</sup> thereafter, based on the Consumer Price Index (CPI).

## **VI. PROJECT REVIEW**

### **A. Context**

Benny and Jane Nordahl are requesting a special exception to permit both a private school and a child care center in the AR-1 (Agricultural Residential 1) zoning district to serve up to 117 children. The applicant's Statement of Justification (SOJ) describes their proposed business as a Montessori School. During their review, Zoning Administration determined that the sought after use falls under the category of two uses – school and child care center – with each use having separate regulations and standards; see the Zoning section of this staff report. The SOJ was revised following the Commission's public hearing, redistributing the 117 maximum students by assigning 60 (down from 90) to the child care center use (aka pre-school), including kindergarten students, and 57 (up from 27) to the school use (elementary grades). The SOJ states that the existing buildings will be converted into classroom space for both uses. According to the application, all buildings will be updated to meet zoning requirements, including updating the heating/cooling system, interior renovations, roof repairs, handicap accessibility, and child friendly restrooms. The Plat indicates that the driveway would be widened, and a vehicle turn-around provided between the house and the existing gravel parking area. An outdoor play area is proposed within a portion of the back yard surrounded by an existing low stone wall that would include a safety fence and landscaping.

### **B. Summary of Outstanding Issues**

The applicant, following the recommendation from the Planning Commission, did not change the application to meet, or be consistent with, the Commission's Conditions of Approval (now dated December 18, 2008). As noted in Attachment 6, the applicant does not agree with:

- Condition #2, Maximum Number of Children Enrolled;
- Condition #6, Playground Child Occupancy;
- Condition #9, Child Care Center and School Related Special Events;
- Condition #10, Use of Yard;
- Condition #14, Water Quality Testing;
- Condition #16, Guard Rail Right-of-Way;
- Condition #17, Lincoln Road Stacking; and
- Condition #18, Use of Barn.

Therefore, the above noted conditions are the outstanding issues of the applicant.

Staff cannot support the following Conditions: (2.), with a maximum enrollment of 60 students; (17.), further study by the applicant should Lincoln Road stacking be observed; and (18.) restrictions on use of the barn for classrooms or offices.

### **C. Overall Analysis**

The subject property is governed under the policies of the Rural Policy Area of the Revised General Plan, which designates the area appropriate for rural economy uses and limited residential development. Forest cover, streams, steep slopes, and minor floodplain are present on the subject property. The subject property is located in the Goose Creek Historic Cultural Conservation District.

### **COMPREHENSIVE PLAN**

#### Land Use

The Revised General Plan supports “the creation of a variety of opportunities for rural commercial, industrial, employment, and institutional activities that preserve rural character and that are compatible with the dominant rural land use pattern in the Rural Policy Area.” The Plan specifies that these rural businesses should meet “established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare” to ensure their compatibility with the character of the surrounding rural area. The application is meeting all applicable performance standards of the Zoning Ordinance for the use. When possible, the proposed uses should be located within existing historic and/or agricultural structures; the application proposes both.

Surrounding the property in all directions are large lot residential properties. The nearest actual residence on these properties is approximately 300’ to the north. The property to the north is 5.2 acres; to the west 3.9 and 6.4 acres; to the east 5.2 acres; and to the south 107 acres. Substantial topography surrounds the Property in all directions, placing it somewhat in a bowl. The setting of the area is rolling hills, undisturbed wooded pockets, and traditional homes set back within the parcels. The subject Property is the historic home of Samuel M. Janney, a noted Quaker settler in Loudoun County, built circa 1839 to house a boarding school for girls. See Graphic 1. The Property currently contains seven buildings (main house, barn, carriage house, smoke house, spring house, icehouse, and chicken house). Two tributary streams traverse and merge on the property, which slopes eastward from Lincoln Road to the property boundary.

#### Historic Resources

The Plan policies outline the County’s commitment to protecting structures and other features of particular historical significance in the context of their natural settings while working with landowners to convey the historic value of the resource to the community at large. The Plan supports adaptive re-use of historic structures as part of any new development application. Several small additions, removals, and renovations are noted on the Plat that could impact historic features of the site. The subject property is located within the Goose Creek Historic Cultural and Conservation District, which was created to recognize the architectural and historical significance of this area. The Property adds significance to the District. New construction or alterations to existing structures on properties located in a County Historic District are subject to evaluation based on the Loudoun County Historic District Guidelines by



the Historic District Review Committee (HDRC), and the applicant is aware that they will have to go through that process for any exterior alterations.

***Graphic 1 – Springdale home, looking north from near southern property boundary.***



### Existing Villages

The Property is on the fringe of the Village, where the context of the Village changes from small parcels and buildings close to the road to larger properties with buildings set back from the road. A very small portion of the site is also contained within the Existing Village of Lincoln as identified in the Plan; see Graphic 2 below, where the dark area is the Village boundary. The Springdale property has a connection to the Village but is physically separated by space, topography, and two one-lane bridges on Lincoln Road proceeding south from the Village.

Existing Villages serve as focal points and exert a social and “place name” influence extending beyond their boundaries. The County’s policies for Existing Villages are aimed at limiting new residential and non-residential activities to uses that are compatible with the historic development patterns, community character, and visual identity of the individual villages. The Plan calls for the use to be compatible with existing residential, commercial and agricultural land uses in and around the village and locate in areas where existing zoning would permit such uses.





residence and the sloping hillside containing the drainfield; the streams join at a confluence and flow east off the property.

***Graphic 3 – Aerial Photograph with Streams***



During staff review, the Plat was revised to delineate the 50-foot management buffer adjacent to the floodplain boundaries as called for in the Plan. This buffer may be reduced if it is demonstrated that a reduction would not adversely impact the stream corridor resources. Within this management area, the applicant proposes to expand the driveway by six feet (6'), to a new width of twenty feet (20') for a length of approximately 160' that appears to require the demolition and/or reconstruction of a portion of stone wall.

Minor floodplain extends from the northern stream along the north and northeastern corner of the property. The Plat currently exhibits a vehicle turn-around circle partially within the minor floodplain. The Commission strongly encouraged the applicant to remove this vehicular turn-around from this location and place it within the existing confines of the gravel parking area. The Plat also shows the driveway leading to the gravel parking area being widened to twenty feet (20'), which appears to be an adequate width and approvable at the time of site plan review. The existing parking area, garage building, and the noted portion of the existing driveway within the floodplain limits will continue to be utilized. A portion of the existing fenced-in area in the rear of the existing dwelling is located within the minor floodplain, and

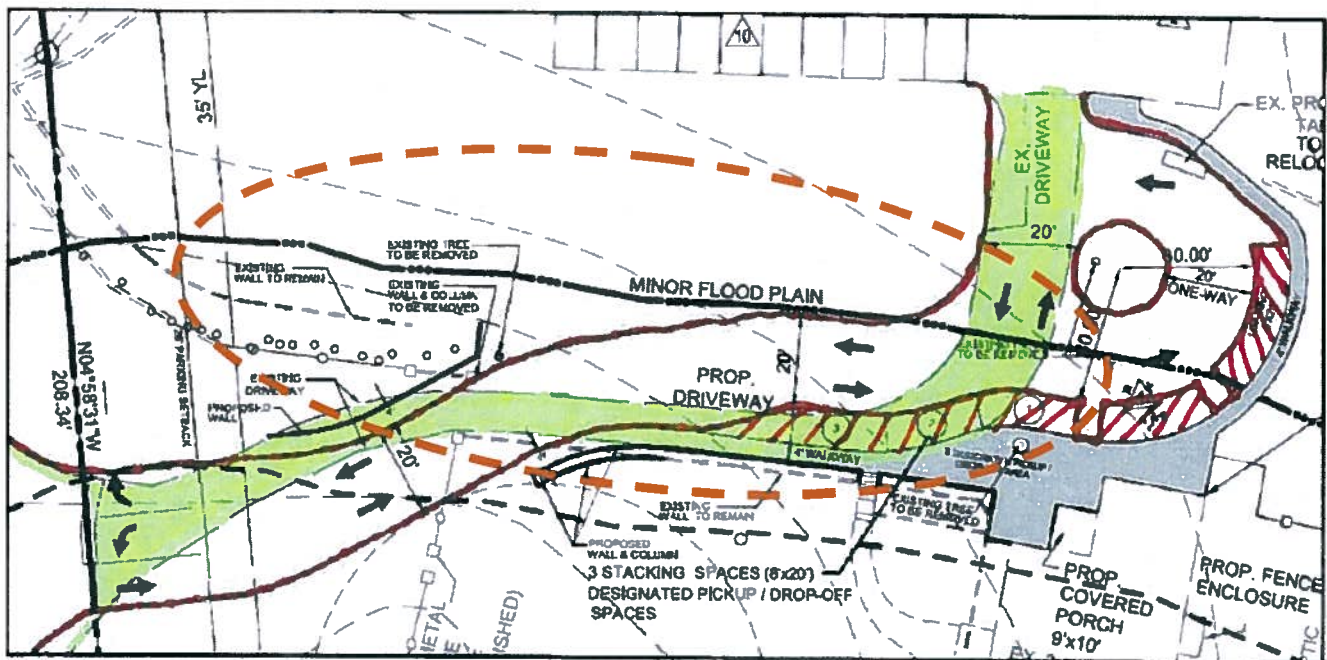
the applicant has agreed to a condition that if that space is utilized as part of the playground, no new equipment or disturbance could occur within the area of the minor floodplain. There are no staff outstanding issues regarding the river and stream resources.

The applicant was asked to consider moving the existing propane tanks out of their current location in the minor floodplain, as shown on the Plat. With the vehicle turn-around circle shown on the Plat, these tanks are noted as to be relocated, but the new location is not identified. The new location will have to meet current requirements for spacing from the other surrounding uses, structures, and features (the building, the playground, parking area, driveway, stream, and property boundaries). This is not maintained as a staff outstanding issue, and it will be monitored through the site plan process should this special exception be approved.

## 2. Steep Slopes

Steep slopes are located on the developed portion of the Property in two locations: a small area of moderately steep slopes (15-25%) near the existing parking area; and an area of both moderately and very (25%+) steep slopes between the house, barn and the southern boundary line. A note on the Plat Cover Sheet acknowledges that a locational clearance will be required for impacts to moderately steep slopes per Section 5-1508(F) of the Zoning Ordinance.

**Graphic 4 – Existing (Yellow) and proposed (red outline) driveway and area of possibly affected moderately steep slopes**



With a proposed expansion of the driveway width to 20' (see the red outlined area in Graphic 4.; the yellow shaded area is approximately the existing driveway), minor disturbances of the existing minor steep slopes may be occurring (see the dashed circle area in Graphic 4.).

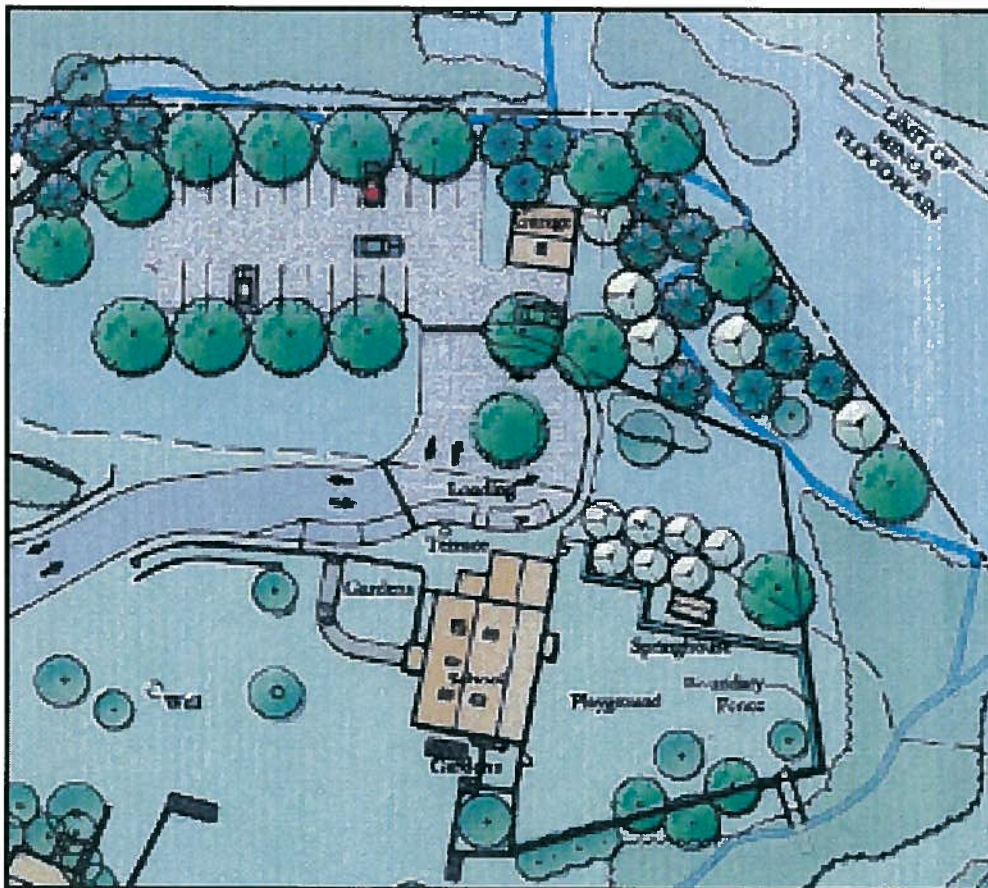


Building and Development staff has reviewed the Special Exception plat (Graphic 4. is an excerpt from that plat) and have indicated that – at the time of site plan review - a waiver could and likely would be issued for any encroachment, as no significant impacts appear to be created at this time. The applicant would have to demonstrate that no changes in flood elevations on adjacent properties is created by any disturbance or creation of steep slopes, and this could include performing a floodplain alteration study. The applicant is aware that approval of this application does not equate to approval of the proposed design at the time of site plan, and changes may be required. With that, there are no outstanding issues regarding steep slopes.

### **3. Forests, Trees, And Vegetation**

The County's forests and trees improve air and water quality, offer important habitat for birds, small mammals and other wildlife, and are excellent buffers between communities. A tree inventory for the Property was waived when this application was accepted. County environmental Staff and the County Urban Forester performed a site visit and educated and advised the applicant about the species and proper care of the trees on the Property, especially in the vicinity of the streams. The Plat does not identify any trees to be removed in the backyard and southern yard areas, but does indicate that a large tree on the northwest corner of the main building would be removed. Per Condition # 8, the applicant shall consult with the County Forester at the time of site plan to determine appropriate clearing distances if any trees are deemed necessary to be removed.

***Graphic 5. – Applicant's Landscape Plan excerpt***



A Type 2 buffer is required for the proposed use, where it abuts a residential property or a farm, within the minimum yard setback area (which is 20' in this case). In the AR-1 Zoning District, the buffer can be located either along the perimeter of the lot/parcel (Section 5-1407(A)) or only around the use (Section 5-1409(I)). This latter option, permissible by the Zoning Administrator, could mean that areas immediately surrounding the use (the building, playground, parking lot area) could receive the required buffering elements, and not the entirety of the property boundaries. The applicant's Landscape Plan Exhibit (Sheet 6 of the Special Exception Plat set), committed to in Condition #1, shows where the applicant intends to provide the buffering, which is largely to the north of the parking lot and playground area.

Graphic 6. below contains information from Table 5-1414(B) of the Zoning Ordinance, describing and comparing the requirements of a Type 2 with that of a Type 3 and 4 buffer. When the required buffer type is designed during site plan, existing vegetation may also be used in lieu of buffer requirements. The applicant is encouraged to retain and preserve as much of the existing vegetation and trees as possible on the site.

**Graphic 6. - Excerpt from Table 5-1414(B)**

	<u>Required Plantings per 100 Lineal Feet of Property Line</u>														
	<b>BUFFER TYPE – Trees or Shrubs</b>														
	2	3	4	2	3	4	2	3	4	2	3	4	2	3	4
	<b>Canopy</b>			<b>Understory</b>			<b>Shrubs</b>			<b>Evergreen</b>			<b>Min. / Max. Width</b>		
Front	3	3	4	2	3	3	10	20	20	0	0	0	15' / 25'	20' / 30'	20' / 30'
Side/Rear	2	2	2	4	5	5	10	10	10	2	4	8	20' / 30'	25' / 30'	25' / 30' *

\* - Plus a six (6) foot fence.

Regarding noise impacts, distance and vegetation are the best means of sound attenuation. Vehicles and children in the playground area could create intermittent noise heard off the Property. Condition # 6, limiting the number of children in the playground area at any one time, is meant to mitigate the impacts of children in the playground. The above described buffer, plus existing vegetation and distance to neighboring properties (nearest residence is approximately 300' away) should mitigate the impact on adjacent properties. There are no outstanding issues regarding trees or vegetation.

## ZONING

The property is zoned AR-1 (Agricultural Residential) and is subject to the regulations of the Revised 1993 Zoning Ordinance. The property is located within the Goose Creek Historic District, and portions of the site are located within the minor Floodplain Overlay District (FOD). In accordance with Table 2-102 of the Zoning Ordinance, both a Child Day Care Center and a School (elementary, middle or high) are permitted by special exception in the AR-1 zoning district.

### **SPEX 1986-0009**

In 1987, a special exception was unanimously approved to operate a school on this Property. More specifically, the applicant sought to establish a seminar and training facility for adults while providing lodging and boarding for some of those students. A boarding camp use was also requested at first, but was removed from the application prior to approval. Several conditions of approval were included with the approval, including: a maximum of 50 students at any one time, with a maximum of overnight accommodations for 20 students; a maximum of 20 cars on-site at any time; and the special exception applied to the owners of the property at the time only, and were not transferable and did not 'run with the land'.

### **SPEX 1986-0049**

In 1987, a separate special exception was unanimously approved to operate a country inn on this Property. The application also noted the desire to hold wedding receptions and reunions, and to establish nine (9) guest rooms. Several conditions of approval were included with the approval, including: a maximum of 10 country inn guests shall be allowed at any one time; no more than 20 overnight guests (combined total with any overnight guests per the school use allowed by SPEX 1986-0009); only breakfast meals are allowed to be served; and the maximum number of guests on the Property shall not exceed 50, including any combination of special events and country inn guests.

### **Proposed Uses**

During the first referral review of this application, it was initially unclear as to what uses the applicant was seeking. The Statement of Justification (SOJ) merely referred to the applicant's desire to operate a "Montessori School", and provide "quality primary classes for ages of two and a half to eight years and before and after school care." This desired use was interpreted to fall under the Zoning Ordinance definitions of both a "child care center" and a "school" (see Graphic 7.).

#### **Graphic 7. – Article 8, Definitions, Revised 1993 Zoning Ordinance**

##### **Child Care Center** –

*"A licensed establishment which offers care, protection and supervision for compensation to more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. A child care center may include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments."*

##### **School** (elementary, middle, high) –

*An establishment that provides any kindergarten, elementary, primary, and/or secondary educational course, but not including an establishment primarily for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family residing in the household. Parking of school buses on-site shall be considered an accessory use to a school.*

The fact that more than nine (9) children in kindergarten and younger would be served makes the use a child care center. That children in kindergarten and elementary school grades

would be served makes it a school. Thus, the proposed Montessori School is both a child care center and a school. In a subsequent response document the applicant agreed to staff's assertion of the two uses. The applicant indicates that 60 (51% of the maximum 117) students would be pre-school and kindergarten (which falls under the Zoning definition of 'child care center'), and the remaining 57 students would be enrolled in elementary grades (which fits within the Zoning definition of a 'school').

A Child Care Center use is subject to additional regulations contained within Section 5-609 of the Ordinance, which enumerate the following:

- 1) *Outdoor play space* – a minimum of 75 square feet per child space shall be provided; area shall be safely segregated from parking, loading, or service areas;
- 2) *Play area fencing* – shall be provided, at least three and one half (3 ½ ) feet in height, completely enclosing the play area unless otherwise shown to protect from traffic, other hazards, and neighboring yards;
- 3) *Play area sightlines* – all persons entering the play area shall be within direct line of sight from the child care center classroom areas; and
- 4) *Play Equipment locations* – No play equipment shall be located within the required yard setback.
- 5) *Parking areas* – designed to enhance the safety of children during arrival and departure.
- 6) *Pickup and Delivery Zone* – with at least one (1) parking space per twenty (20) children that provides safe and clearly designated access to the child care structure.

The applicant has indicated that all of these requirements can and will be met at the time of site plan or issuance of zoning permits, as required by the Ordinance. Regarding (#1) above, even with the Commission's Condition #2, limiting enrollment to 60, if all 60 children were falling under the category of the child care center use, adequate outdoor play space is proposed (60 students x 75 sf/student = 4,500 sf; 7,785 sf is identified on the plat).

A School use has no specific requirements if it serves more than 15 students, per the Ordinance, unlike the Child Care Center use. However, schools with less than 15 students must meet the requirements of Section 5-655<sup>1</sup>. The applicant's SOJ states that up to 57 students will be served by the School portion of their operation. Prior to issuance of a zoning permit for the school component of the facility, evidence will be required indicating that it meets the Virginia requirements for primary education.

It should be noted that, as there is overlap between the two uses regarding kindergarten, which is permitted as a component of both a School and a Child Care Center, the applicant may designate the kindergarten component as either a part of the School use or the Child Care Center use. The applicant has indicated that they will consider kindergarten a part of the child care center use. The Planning Commission, with Condition #2 limiting the application to a maximum of sixty (60) children for the combination of both uses, does not differentiate or set any limits for the ratio of children enrolled in either use.

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<sup>1</sup> These would include a minimum lot area of 5 acres; road access Standards per Section 5-654; exterior lighting per the standards of Section 5-652(A); outdoor play space per standards of Section 5-609, Child Care.

## TRANSPORTATION

The subject property is located on and accessed from Lincoln Road (Rt. 722), just south of the village of Lincoln. Lincoln Road along the project's frontage is a two-lane paved road with narrow shoulders, and varies in width between approximately 12' at the nearest one-lane bridge and approximately 17' near the existing entrance. The Countywide Transportation Plan (CTP) considers this road to be a local road, and as such, does not specify any improvements.

### Review of Submitted Traffic Studies

The applicant revised its initial traffic study (dated September 14, 2007) with a revision (dated February 20, 2008) in response to Staff comments regarding when the traffic volume data was taken, to revise the build-out date used, and to perform a link level of service (LOS) evaluation for Lincoln Road. In the revised traffic study, the applicant uses the Institute of Transportation Engineers (ITE) use code 534 for "private school" for the Property. Per ITE, this use would include "students attending kindergarten through the eighth grade, but may also include students beginning with pre-K classes. These schools may also offer extended care and day care." As previously noted in this staff report, the use is predominantly – by number of students - a child care center. The ITE definition encompasses all of the expected students for the applicant's Montessori school. With the change in ratio from 90/27 child care center children to school students, to 60/57, the applicant stated that traffic impacts were reduced, as the child care center use generates more trips than does the school use. With the Planning Commission's Condition #2, limiting the total enrollment to a maximum of sixty (60) children, the impacts are expected to decrease significantly from that identified in the traffic study.

### Existing Conditions

Levels of Service (LOS) of Lincoln Road at the Property entrance are currently "A" in all directions during the AM and PM peak hours; the link LOS also rates as an "A". Twenty-four hour traffic counts were taken on Lincoln Road at the site entrance on February 5-7, 2008 (Tuesday through Thursday), with the highest volume occurring Tuesday, February 5, 2008. Peak hours occurred between 8:00 and 9:00 AM and 4:15 and 5:15 PM; the counts did not show much variation, with 148 AM and 161 PM peak hour trips. The current average daily trip (ADT) count was 1,534. Graphic 8. contains the outcome from the revised study. See the photographs on the following pages taken by Staff on several site visits.

**Graphic 8. – Traffic Study (revised 02-20-08) – Actual Traffic Counts**

	AM Peak (8:00 – 9:00)			PM Peak (4:15-5:15)		
	TOTAL	North-bound	South-bound	TOTAL	North-bound	South-bound
(Counts taken 02-05-08)	148	96 (65%)	52 (35%)	161	92 (57%)	69 (43%)

### Future Projections

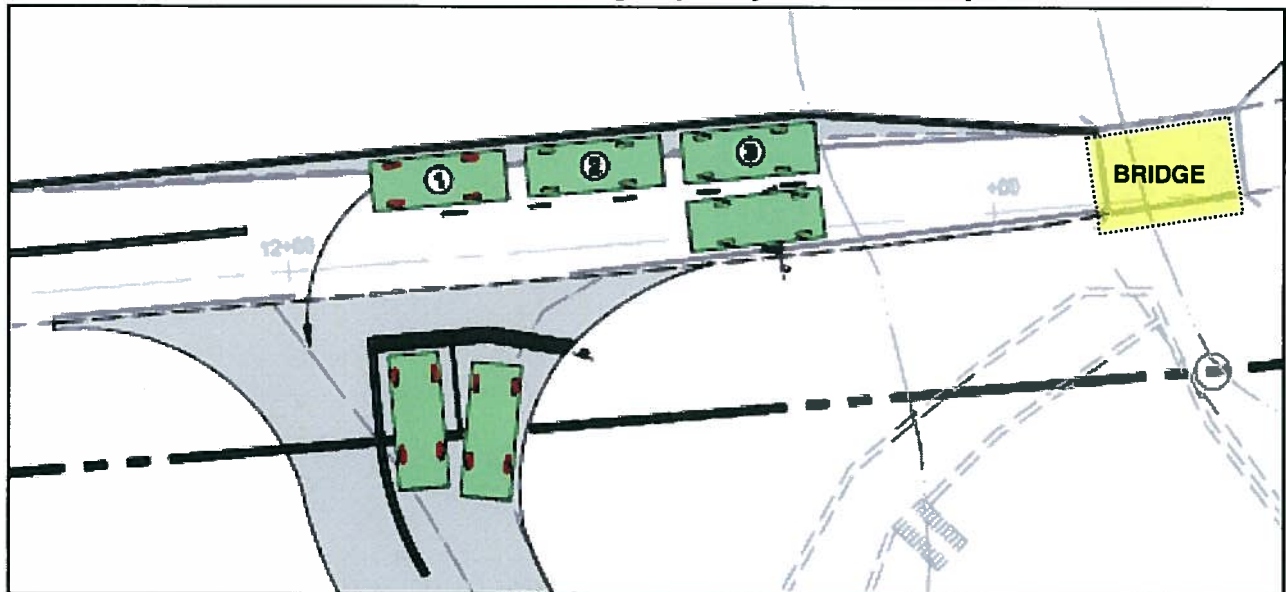
Incorporating the proposed uses, in the projected Project Completion Year of 2013, the expected ADT is 2,430. Estimated vehicle trip generation from the proposed uses is 293 daily trips, with 104 AM peak trips (57 in / 47 out) and 82 PM peak trips (39 in / 43 out). The



link LOS analysis on the two-lane section of Lincoln Road at the site entrance was performed, and indicates that the total forecast in 2013 for both AM and PM peak hours would operate at a LOS "B", which is acceptable. There is no methodology available to calculate LOS on a one-lane bridge and therefore the potential for queuing on approaches to the bridge became the primary concern of Staff.

Specifically, the potential for vehicles queuing southbound as they attempt to turn left into the Property, and either (a.) impeding the north-bound traffic from going past the Property entrance and accessing the one-lane bridge as the road narrows, or (b.) vehicles queuing southbound to the point of creating an unsafe condition on the bridge as south-bound traffic from Lincoln crests a rise a short distance from the bridge. The applicant's transportation consultant completed a queue analysis for the critical AM peak hour (which contains the highest northbound volume versus highest southbound left turns). This analysis showed a maximum queue (southbound, waiting to turn left into the Property) of 52 feet (approximately two (2) vehicle lengths) and an average queue of four (4) feet, representing a moving queue or effectively, no queue at all. The applicant's Exhibit A (Sheet 4 of the Special Exception Plat set), excerpted in Graphic 9., illustrates a worst-case condition beyond the results of the queue analysis, and displays the higher level of operation sought by Staff.

**Graphic 9. – Exhibit A, stacking capacity with road improvements**



Regarding the warrant for a south-bound left-turn lane at the build-out year of 2013, the study showed 34 left turns in the AM and 24 in the PM, and the advancing and opposing traffic volumes fell well short of those needed to warrant a dedicated turn lane.

Below are pictures of the existing conditions and typical traffic situations observed on Lincoln Road in the vicinity of the property.

Existing Conditions – Top, Winter 2008; Bottom - August 2008 (with repaving and markings)





Example queuing situations observed by Staff – Top, Winter 2008; Bottom - August 2008



### **Proposed Improvements**

The applicant proposes to provide a standard VDOT required entrance, as shown on the Special Exception plat; sight line analysis and provisions will be done at the time of site plan. Staff supports the improvements (signage, line painting, small pavement addition) and stacking ability shown on Exhibits A & B (Sheets 4 and 5 of the Special Exception Plat set), and finds that the impacts of the proposed uses will be adequately mitigated. The Commission, through Condition #2, felt that reducing the maximum enrollment to sixty (60) children would ensure that the potential for stacking would not occur.

### **Parking**

The minimum parking requirements for the two uses are as follows:

- Child Care Center – 0.2 space per student (1 space/5 students); one parking space per employee; one designated pickup and delivery zone parking space per 20 children.
- School – one parking space per classroom plus one per room used by the students.

With the revision of the application designating up to 60 children to the child care center use and up to 57 children to the school use, the minimum parking requirements for the application were recalculated and are noted below.

- Child Care Center use – Section 5-1102/Table 5-1102, page 5-134 of the Zoning Ordinance, under 'Child Care Facilities': 0.2 spaces per person in licensed capacity plus one per employee not residing on the property. The 60 students would require 12 spaces (or 1 space per 5 students). The applicant has stated that there will be a maximum of six (6) employees associated with this use; this would require 6 spaces. No employees residing on the property have been proposed. The total minimum number of parking spaces for the use would be **18**.
- School use – Section 5-1102/Table 5-1102, page 5-136 of the Zoning Ordinance, under 'Educational': one space per classroom and other room used by students plus 0.2 space per student over driving age. No parking spaces are required for employees serving the school use. The applicant has stated that there will be four (4) rooms associated with this use, which would require 4 spaces. The total minimum number of parking spaces for the use would be **4**.
- The two uses together require a minimum of **22** parking spaces.

The Special Exception Plat (sheet 3) identifies a total of twenty-six (26) parking spaces. From the numbers provided by the applicant noted above, the application is demonstrating that it can more than accommodate the minimum number of required parking spaces within the existing parking area.

Per Section 4-1505(B)(6), 5,000 square feet of parking in the minor floodplain is permitted; from the Special Exception plat, the existing parking lot measures between approximately 6,600 and 6,800 square feet. The applicant has verbally informed staff that they will seek a waiver at the time of site plan review to not provide the loading space, which per Zoning Ordinance Section 5-1102, Table 5-1102 requires one (1) loading space per 100,000 square

feet of gross floor area (GFA) for the educational (school) use. There are no loading space requirements for the child care center use.

As previously stated regarding this application, the Zoning Ordinance regulates the 'licensed capacity' of the use, but it is the State which ultimately determines what this 'licensed capacity' is, and at that time the applicant must demonstrate they can meet the parking requirements of that number. If that licensed capacity is lower than the enrollment limit approved with this application, the applicant can meet the parking requirements. If the licensed capacity should be greater than the enrollment limit approved with this application, the applicant can only serve up to that enrollment limit per Condition (2.)

Through Condition (2.), the Commission has recommended that the maximum enrollment be lowered to sixty (60) total children. Using the more intense parking standards of the child care center use, sixty students would require 12 parking spaces. Maintaining the six (6) child care center employees the applicant has noted, each requiring a parking space, it appears the maximum parking spaces possibly required would be 18. Should the applicant place the vehicle turn-around in the existing parking area as strongly encouraged by the Commission, it would reduce the number of available parking spaces. Without a Plat displaying this scenario, it is impossible to tell whether the site can support the maximum number of spaces required per Condition (2.) – 18 – or the maximum number of spaces required with the applicant's request – 22 – for 117 students.

If adequate parking cannot be demonstrated, the applicant will not be able to attain its conditioned maximum number of students; some fraction of that would be permitted, depending upon the number of parking spaces to serve those students and employees. If persons will be residing on the premises, additional parking is required based on Table 5-1102. At the time of site plan, the applicant must verify that sufficient parking (as described above and shown on the Plat) per the Ordinance can be met in order to gain approval. Staff has no outstanding issues regarding parking.

## HEALTH

The County Health Department, Division of Environmental Health, reviewed the application and provided several comments while supporting the application. The currently used well was originally drilled to support a boarding school in 1987. The existing drainfield, within the sloping hillside on the southern edge of the property, was installed in 1989 for a design use of 12,215 gallons per week. An evaluation of the system in June of 2007 observed no problems with the system.

The renovation of any existing structure that is currently not connected to the existing drainfield, such as the barn as indicated by the applicant, will require the necessary permits from the Health Department concerning water and sewage disposal. The proposed use of 117 students, plus faculty, does not appear to exceed the design capacity, which at 12,215 gallons per week, is a limiting factor to development and use of the site. Clearly, occupancy of the property for the proposed uses will not occur unless the applicant achieves permits from the County and State Health Departments.

**D. ZONING ORDINANCE CRITERIA FOR APPROVAL - SPEX 2007-0048**

Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a special exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

Below is Staff's analysis of these criteria; see the Applicant's Statement of Justification (Attachment 3) for their response.

(A) Standard *Whether the proposed special exception is consistent with the Comprehensive Plan.*

Analysis The proposed uses – school and child care center – are consistent with Plan policies for the Rural Policy area. The uses are consistent with what is envisioned for villages (and towns) and historic districts, and the impacts have been adequately mitigated through Conditions of Approval.

(B) Standard *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Analysis All applicable fire hazards will be addressed at the time of site plan and building permit review.

(C) Standard *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Analysis The proposed uses – school and child care center – may potentially create and emanate noise across adjacent property boundaries from any outdoor activities or teachers and students on the property. The Property is surrounded by large lot rural residential uses. Due to topography, natural vegetation, and distance, the property due north stands to be the most affected by any noise generated on the site. Per Condition #6, limiting the number of children in the outdoor play area should mitigate the noise impacts on surrounding properties.

(D) Standard *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Analysis The property shall adhere to the light and glare standards of Section 5-1504 of the Zoning Ordinance, which requires that lights must be shielded so that the direct glare of the bulb is not visible from beyond the property line of the parcel. Applicable sections of the Facilities Standards Manual regarding safety lighting shall also be adhered to. No new exterior lighting is explicitly noted on the Plat or the applicant's Statement of Justification. Due to topography, natural vegetation, and distance, the property due north stands to be the most affected by any light generated on the site.



(E) Standard *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

Analysis With the exception to the property due north, neighboring uses are not visible from the Property. Conditions of approval address concerns about noise, lighting, and hours of operation to improve compatibility with surrounding uses. The proposed uses – school and child care center – with up to 117 students, are more intense than the immediately surrounding land uses (larger lot residential or farm).

(F) Standard *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis The property, with the proposed uses, will adhere to the buffering requirements of Section 5-1400, which require a Type 2 buffer adjacent single-family detached dwellings.

(G) Standard *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

Analysis The property is already developed with existing buildings, and only minor additions, or renovations, to the buildings are planned. Stone wall removal and replacement, addition of a walkway to the building, and widening of the driveway is planned. One tree is identified for removal or alteration. An archaeological study was waived for this application. The applicant is aware that any exterior alterations will require review by the County's Historic District Review Committee. Adaptively reusing an historic structure is encouraged by the Plan and will help maintain surrounding property values.

(H) Standard *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

Analysis Some new clearing, grading, possible tree removal, and development is proposed within the designated minor floodplain with the application, to accommodate a 20' wide driveway and vehicle turn-around circle. Any land disturbance will be regulated by the Facilities Standards Manual (FSM) regarding erosion and sedimentation. An existing drainfield is sited on the southern edge of the property within a sloping yard.

(I) Standard *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.*

Analysis The proposed uses – school and child care center – will provide a child care facility and non-County funded school option for County residents.

(J) Standard *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*



Analysis The traffic study identifies that safe ingress and egress can occur during full occupancy of the proposed uses. Minor physical improvements, and additional signage and striping, shall be made to Lincoln Road to allow vehicles to be aware of the presence of children and turning vehicles, and to allow northbound vehicles to safely pass stacked southbound vehicles prior to the one-lane bridge north of the property.

(K) Standard *Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.*

Analysis The proposed uses – school and child care center – will occur within existing buildings on the Property, and any structure intended for occupancy will meet County and State building codes and safety standards.

(L) Standard *Whether the proposed special exception will be served adequately by essential public facilities and services.*

Analysis The proposed uses – school and child care center – on the property will be adequately served by the existing public facilities and services, with the additions of the road improvements, markings, and signage as detailed on Sheets 4 and 5 of the Plat set (Exhibits A & B). Water and sewer are provided on-site; the existing drainfield system can accommodate the proposed uses.

(M) Standard *The effect of the proposed special exception on groundwater supply.*

Analysis The proposed uses – school and child care center – are not anticipated to create any negative impacts on the groundwater supply. The existing well and drainfield are sufficient to handle the anticipated demands of the uses. The applicant will continue to work with the County Department of Health through the site plan process.

(N) Standard *Whether the proposed use will affect the structural capacity of the soils.*

Analysis The proposed uses – school and child care center – are not anticipated to create any negative impact on the structural capacity of the soils. Review of any earth-moving or ground disturbance will be reviewed at the time of site plan.

(O) Standard *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

Analysis No new road development is planned in this area. The applicant's traffic study identifies that safe ingress and egress can occur during full occupancy of the proposed uses. Minor physical improvements, and additional signage and striping, shall be made to Lincoln Road to allow vehicles to be aware of the presence of children and turning vehicles, and to allow northbound vehicles to safely pass stacked southbound vehicles prior to the one-lane bridge north of the property, should that situation occur. A commercial entrance onto Lincoln

Road meeting VDOT standards will be created to ensure safe ingress and egress and site distances.

- (P) Standard *Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

Analysis The proposed uses – school and child care center – will create several employment opportunities for teachers and related positions. The uses fulfill the rural economy intent of the Plan, as well as adaptively re-using an historic structure.

- (Q) Standard *Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.*

Analysis The Property is not currently used agriculturally, and the proposed uses will not impede agricultural development on surrounding properties. The proposed uses – school and child care center – will be contained within existing structures on a developed Property. The approval of these uses would not preclude the future use of the Property for any other use consistent with the Plan and allowed by the Zoning Ordinance.

- (R) Standard *Whether adequate on and off-site infrastructure is available.*

Analysis The proposed uses – school and child care center – will be adequately served by some on-site (water, septic) and some off-site (electricity, phone, road access) infrastructure.

- (S) Standard *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

Analysis The proposed uses – school and child care center – are not anticipated to create any odors that may negatively impact adjacent uses.

- (T) Standard *Whether the proposed special exception uses provide sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Analysis Any construction traffic that will access the Property will do so via Lincoln Road. All construction activity will be reviewed and permitted by the County Department of Building and Development, which will require adequate mitigation of impacts during construction.

<b>VI. ATTACHMENTS</b>	<b>PAGE</b>
<b>1. Review Agency Comments</b>	
a. Building & Development, Zoning Administration (January 30, 2008; March 12, 2008; June 17, 2008)	A-001
b. Planning, Comprehensive Planning (January 25, 2008; April 1, 2008; June 18, 2008)	A-008
c. Building & Development, Environmental Review Team (January 23, 2008; March 28, 2008; June 26, 2008)	A-016
d. Office of Transportation Services (January 22, 2008; March 25, 2008; June 20, 2008)	A-021
e. Virginia Department of Transportation (December 20, 2007; March 5, 2008; June 13, 2008)	A-058
f. Planning, Community Information Outreach (January 30, 2008)	A-060
g. Health Services Department, Environmental (December 17, 2007; April 22, 2008)	A-061
h. Department of Fire, Rescue, & Emergency Management (January 24, 2008)	A-065
<b>2. Disclosure of Real Parties in Interest</b> (signed November 19, 2008)	A-067
<b>3. Applicant's Statement of Justification</b> (revised October 15, 2008)	A-083
<b>4. Applicant's Response to Referral Comments</b> (February 21, 2008; June 9, 2008; July 21, 2008)	A-093
<b>5. Applicant's Response to Planning Commission Comments</b>	
• Planning Commission Briefing Meeting (received September 18, 2008)	A-133
• Parking, Arrival, and Dismissal Guidelines (received September 18, 2008)	A-139
• Operational Hours and Program Schedule (received September 18, 2008)	A-141
• Site Trip Generation (dated September 05, 2008)	A-142
• Public Hearing Issues (dated October 16, 2008)	A-143
• Lincoln Road Accident Summary (1/1/02 – 10/15/08) (received October 16, 2008)	A-155
• Floor Plans (received October 16, 2008)	A-157
• Arrival/Departure Schedule (received October 16, 2008)	A-161
• Traffic Study Powerpoint Presentation (dated October 23, 2008)	A-163
• Letter, Culpeper Engineering, P.C. (November 6, 2008)	A-177
• Letter, Parking Calculation Revised (November 13, 2008)	A-181
<b>6. Applicant's Response to Conditions of Approval</b> (November 18, 2008; December 3, 2008; December 15, 2008; December 19, 2008)	A-
<b>7. Applicant DVD's submitted to Commission and Board</b>	
• Lincoln Road Traffic (submitted for 10/23/08 Committee meeting)	*
• Montessori School (Leesburg), AM Drop-off 11/07/08 (submitted November 19, 2008)	
• The Child in Nature (received December 17, 2008)	
<b>Special Exception Plat</b> (July 2, 2007, revised through December 19, 2008)	Attached

\* Available from Project Manager or in Public File, 2<sup>nd</sup> Floor, County Government Building.